

### **REMARKS**

Reconsideration of the present application is respectfully requested. No new matter has been added. No claims have been or are now amended. Claims 1-23 remain in the application for consideration.

#### **Rejections based on 35 U.S.C. § 102**

Claims 1, 3, 6, 7, 10, 11, 13, 14 and 16 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,112,015 to Planas ("Planas"). Applicants respectfully traverse this rejection because Planas does not teach the method steps of "dividing a display area into a plurality of display divisions," "assigning each display division to a respective network function," "scaling a variable graphic quality of each display division to said range of data values of said network function associated with said display division," nor "periodically accessing each of said network functions to retrieve a respective current data value," as recited in independent claim 1 and similarly recited in independent claim 11.

Planas teaches a network management graphical user interface that displays information relating to a telecommunications network consisting of a plurality of network objects using a network management terminal. The information consists of a base state for at least one of the network objects. An icon is displayed for each network object Planas, col. 2, lines 24-30. The icons appear to be able to change to one of three colors. *Id.*, col. 12, lines 26-31.

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added). These elements must be arranged as in the claim under review. *Id.*

Applicants recite “dividing a display area into a plurality of display divisions” in independent claim 1 and “dividing a rectangular display area into a plurality of display divisions” in independent claim 11. In contrast, Planas does not divide a display area into any divisions. Planas’ FIGS. 4B and 4D make clear that its GUI is composed of a single, indivisible screen. Whereas network elements are separately attributable, the entire GUI is dedicated to a single display. Applicants’ FIG. 2 illustrates that a single interface is divided into multiple divisions 20, wherein each division can separately receive data respectively associated with reporting a specific metric: “In the present invention, an area of display is divided into a number of rectangular divisions, each associated with a particular communication network function, and labeled to indicate the function monitored.” *See* p. 5, lines 4-7.

Applicants further recite “scaling a variable graphic quality of each display division to said range of data values of said network function associated with said display division” in claim 1, and “for each network function, scaling a set of a plurality of colors to the range of data values of said network function” in claim 11. Applicants explain that “At step 53, the function and subdivision indexes of performance or values are scaled to the colors to be displayed on the process displays 3-5. The scaling step 53 makes use of the configuration factors 40 entered into the network performance server 9. The process 1 then enters a main loop 55.” *Specification*, p. 17, lines 7-12. Although Planas teaches using three colors (yellow, orange, and red) at lines 26-31 or column 12 to convey information, three colors are not identical nor an obvious variation of using a color gradient. A speedometer that conveys three speeds (0, 30 MPH, or 60 MPH) is hardly comparable to a dial that depicts gradations between zero and 60 MPH.

Applicants still further recite “periodically accessing each of said network functions to retrieve a respective current data value” in claim 1 and “periodically accessing each of said network functions to retrieve a respective current data value” in claim 11. In contrast to the present invention’s periodically accessing network functions, Planas teaches a pull technology of having to click on an information icon to retrieve detailed information. *Planas*, col. 11, lines 33-40. Providing an initiation action, such as a mouse click, does not teach periodically accessing network functions.

Accordingly, independent claims 1 and 11 are in condition for allowance. Furthermore, dependent claims 3, 6, 7, and 10, which depend from claim 1, are in condition for allowance because they include each limitation of claim 1 and for at least the same reasons discussed above with respect to claim 1. Dependent claims 13, 14, and 16, which depend from claim 11, are also in a condition for allowance for at least the same reasons discussed above with respect to claim 11.

Additionally, claim 3 is separately patentable because Planas does not teach “scaling a range of values.” At most, Planas recites attributing an icon with one of three colors (col. 12, lines 26-31), which, as explained above, does not teach scaling a range of colors to a range of data values.

#### **Rejections based on 35 U.S.C. § 103**

Claims 2, 4, 5, 8, 9, 12, 15 and 17-23 stand rejected under 35 U.S.C. § 103 as being anticipated over Planas in view of U.S. Patent No., 5,581,797 to Baker (“Baker”). Applicants respectfully traverse these rejections. Dependent claims 2, 4, 5, 8, 9, 12, 15, and 17 are patentable for the reasons provided above because they depend either directly or indirectly from base claims 1 or 11, which are in a condition for allowance. Additionally, Applicants

kindly submit that the Office Action has not established a *prima facie* case of obviousness.  
MPEP § 706.02(j). See also MPEP 2142 & 2143

Baker describes a method and apparatus for displaying hierarchal information of a large software system, i.e. of more than one million lines of source code. *Baker* abstract. Baker explains that the displaying and visualization techniques of the time for small software systems had not been successfully scaled up for use with large software systems; and that “source code listings of large software systems overwhelm the mind” with too much fine grain detail. Flow charts and structure diagrams not only become overloaded with details, but latter changes to the software system may render the original flow, structure and abstractions irrelevant to the current version of the system. *Baker*, col. 1, lines 53. Baker goes on to explain the need in the art for graphically displaying information and statistics about subsystems, directories and files of a large software system in an understandable manner for use by later software maintenance and development personnel. *Baker*, col. 1, lines 65-67 – col., lines 1-3.

Baker is concerned with the problem of visually representing a complicated computer program while the present invention is concerned with graphically providing information related to a complex telecommunications system. Applicants explain that by monitoring traffic flow, congestions in traffic flow, equipment malfunctions, degradation in operation, and the like can be detected and acted upon. *Specification*, p. 3, lines 14-16. Monitoring aspects of a large telecommunications network, as taught by the present invention, is quite different than visually depicting the structure of a computer program, as taught by Baker.

There is no teaching, suggestion, nor incentive to combine Baker with Planas. There must be a basis in the art for combining or modifying references. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 923 (Fed. Cir. 1984).

Moreover, not only is there no incentive to combine Baker with Planas, Baker actually teaches away from technologies employed in Applicants' present invention. Baker explains that the emerging displaying and visualization techniques for large systems, such as the tree-map technique . . . produce displays that are difficult to understand. *Baker*, col. 1, lines 53-60 (emphasis added). Baker further articulates additional problems with using a divided display. Thus, one reading Baker would be taught away from any related tree-map technology. At least because there is no suggestion to combine Baker with Planas, and because Baker teaches away from the present invention, Baker is not properly combinable with Planas; thus, the §103 rejection should be withdrawn. Even if Baker were combinable with Planas, the mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 1990) and MPEP §2134.01.

The arguments above with respect to lack of anticipation of claim 1 are equally applicable here and thus incorporated in this section. Claim 2 recites "scaling a shade value to said range of data values." Although Baker references shading of an item, to combine its teaching with that of Planas would be impermissible hindsight. Claim 4 recites "scaling a variable graphic quality includes the step of scaling a size of a display division to said range of data values." Again, but for hindsight, Applicants' scaling a size of a display division that relates to a plurality of communication network functions would be barely comparable to Baker's disclosure of depicting the number of lines of a computer program.

Claim 5 recites "periodically accessing said at least one of said network functions." This limitation is neither taught nor suggested by Planas, which only discloses a manual pull-type technology of clicking on an icon to receive data. The Office Action recites

Baker for teaching, in combination with Planas, limitations (a), (b), and (d) as further recited in Claim 5. Applicants respectfully note that it is impermissible to use the claimed invention as an instruction manual or template to piece together the teaching of the prior art so that the claimed invention is rendered obvious. The Office Action cannot use hindsight to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780 (Fed. Cir. 1992). Such hindsight is also employed to assert that claims 8 and 9 are rendered obvious by Planas in view of Baker.

Independent claim 18 recites

- (c) dividing a rectangular display area into a plurality of rectangular display divisions;
- (d) assigning each display division to a respective network function;
- (e) dividing each display division associated with a plurality of data members into a plurality of rectangular display subdivisions representing the associated plurality of data members;
- (f) for each network function, scaling a color set of a plurality of colors to a range of data values of said network function;

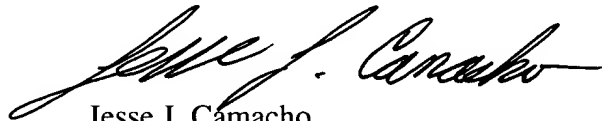
As the arguments above regarding claims 1, 3, 5, and 11 (incorporated herein) explain, Planas does not teach or suggest independent claim 18's limitations (c) – (f), either alone or in combination with Baker. The display in Planas is not divided, but rather exists as a single, undivided screen. *See* Planas, FIG. 4B. Instead of dividing a screen to show multiple information sets, Planas depicts multiple objects (such as Access Region 80, Transport Region 82, etc.) on a single screen. This difference is significant because each division of the present invention can be used to represent dedicated information in one embodiment. Any screen divisions in Baker are related to segments of a computer program rather than to data flow of a communications network.

Claims 19-23 depend either directly or indirectly from base claim 18, and are thus in a condition for allowance.

### **CONCLUSION**

None of the prior art, alone or in combination, teaches or suggests the claimed invention. For the reasons stated above, claims 1-23 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and a Notice of Allowance in this case. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765.

Respectfully submitted,



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